

The formal record of the hearing is the audio tapes.
The Agents notes area attached to, and part of, the minutes folders in the Com.
Dev. office.

CONSERVATION COMMISSION
MINUTES OF THE MEETING
WEDNESDAY, SEPTEMBER 3, 2008 – 7:00 PM
CATA CONFERENCE ROOM
3 POND ROAD
ROBERT GULLA, CHAIRMAN

MEMBERS PRESENT

Robert Gulla, Chairman
Ann Jo Jackson, Vice
Chair
Arthur Socolow
Charles Anderson
John Feener
William Febiger
Brandon Frontiero

MEMBERS ABSENT

STAFF PRESENT

Nancy Ryder, Conservation
Agent
Carol Gray, Recording Clerk

Mr. Gulla opens the meeting of the Gloucester Conservation Commission.

CONTINUATIONS FOR SHORT REVIEWS, 1-5 MINUTES MAXIMUM, REVIEW OF
AMENDED, UPDATED OR FINAL INFORMATION, STATUS REVIEWS, MINOR
AMENDMENTS, SIGNING DECISIONS, CLOSURE OF HEARINGS, ETC.

3 Joppa Way 28-1758,

This is a letter permit amendment request –

The parties did not appear and the matter was continued one more time then it will be dropped until they come in again.

2 Beachland Road 28-1939

This is a Notice of Intent submitted by Charles Pratt Jr., to remove fill in wetland and to restore wetland buffer zone. (Map 178, lot 51).

Mike Derosa reviewed the modifications.

The buffer is 5 feet and 3 feet with monuments every 100 feet.

Metes and bounds for all reflection points tabulated on the plan with
5 foot and 3 foot buffer strips to be seeded and naturalized.

The picnic area is not shown on the plan.

Notes described no-disturbance zone and monuments.

Ms. Nancy Ryder, Agent for the GCC states that the GCC requested a 10 ft. minimum.

Mr. Gulla inquired as to the 3 and 5 feet from what is there now or the edge of the wetland with Mr. Derosa stating it is to the edge of the wetland.

Mr. Gulla states that he was clear earlier that 10 feet was minimum, already 3-5 feet existing.

A continuation to look at documentation was noted.

Ms. Jackson and Ms. Ryder clarified with Mr. DeRosa: no 3 to 5 feet in addition into the existing parking area from the existing buffer zone.

Mr. Gulla wanted to know exactly what the GCC is requesting.

Mr. Feener stated that they were requesting at least 10 feet of buffer from the resource area.

Mr. Gulla noted that it is what is reflected on the plan with Mike DeRosa noting - excluding the picnic area.

It is to be conditioned into the order that failure to respect the no disturb buffer is an additional violation.

Mr. Gulla entertains a motion.

MOTION: Mr. Feener

SECOND: Mr. Frontiero

VOTE: 6-0 all in favor with the exception of Mr. Anderson who abstained.

Eastern Point Boulevard (Map 137, lot 13).

This is a Notice of Intent submitted by MA Audubon Society to remove invasive plant common reed at edge of salt marsh at Eastern Point Wildlife Sanctuary.

There was no request or need for the applicant or representative for the applicant so none appeared.

Ms. Ryder noted email information submitted to the GCC.

Mr. Febiger and Mr. Feener both felt it was a good and thorough response.

Mr. Febiger noted the area to be very isolated with rocky inter-tidal on one side and marsh grass on the other.

Mr. Feener felt the issues and questions were covered and that the mandates the GCC had asked for will help prevent runoff and such.

It was noted that someone should be asked to stake the current corners of the phragmites to see if there is drift.

Mr. Febiger stated that the applicant will limit the scope to the dense area.

Mr. Gulla inquired as to how long this should be continued to as they don't want to leave it open ended and he noted, 3 years.

Mr. Anderson states that the Audubon Society can ask for a long term management plan.

Mr. Feener notes that they asked for 2 years, that is how he wants it to stand.

Mr. Socolow inquired as to the dates and length of time for this to be done with Mr.

Feener stating it would be in the fall and not more than one day.

Ms. Ryder discussed w/ Dave Sargent being in favor, as surfactant was non-toxic and a new product.

Mr. Gulla states that there should be a 2 year cap, reporting to the GCC at one year and an update at the second year.

Helen Garland 95 Eastern Pt Blvd had questions regarding abutters. It was noted that there is notification in the packet.

Mr. Febiger noted the toxicity to other plant life as well as people and skin.
Mr. Feener noted that at the last meeting they were asked for documentation of wind speed and time of year.

*****need to insert further conditions from 08/20/08 for final draft.

Mr. Gulla entertains a motion to approve with conditions.

MOTION: Mr. Feener moves to approve with all conditions.

SECOND: Mr. Frontiero

Discussion was had re: boundary markers, 1 and 2 year updates and all information reports that were asked for at the last meeting.

VOTE:

In Favor: Mr. Frontiero, Mr. Feener, Mr. Gulla and Ms. Jackson

Abstaining: Mr. Anderson

No Vote: Mr. Socolow

M John to approve with all conditions

9 Fenly Road

This is a Request for Extension.

Ms. Ryder reviews with the GCC and states that two extensions have been given with the last one being September of 2007 which expires September of 2008 with no more extensions to be given.

The GCC reviews the history.

Mr. Gulla inquires as to the reason for the delay with Manny stating the variance was just acquired in May of 2007, and then the company went out of business and kept the money. A total of 75% was done with the swale and grading almost done.

Mr. Gulla and Ms. Jackson note the request for six months and inquire as to whether or not it will in fact be done in six months with Manny stating yes.

Mr. Feener requested documented proof of the hold up re: the variance.

Mr. Gulla entertains a motion to extend the matter for six months with Mr. Feener stating that this is based on the substantiation of the variance.

MOTION: *****

SECOND: Mr. Socolow

VOTE: *** all in favor

Riverview Road

This is a Request for an Extension.

The GCC reviewed and discussed the request.

Mr. Gulla entertains a motion to extend for one year.

MOTION: Mr. Feener moves for an extension of one year.

SECOND: Mr. Febiger VOTE: 7-0 all in favor.

Keystone Road –

Commission drive by site visit

Mr. Gulla abstained.

Mr. Feener and Mr. Febiger looked and found it to be consistent width, cut into bank opposite a wetland.

A motion to approve the CoC was entertained.

MOTION: Mr. Feener moves to approve

SECOND: Mr. Frontiero

VOTE: 6-0 all but Mr. Gulla who abstained.

PUBLIC COMMENT PERIOD

Mr. Dave Rimmer for Langsford Pond before the GCC re: an emergency certificate for beaver dam removal. The BoH issued a 10 day emergency permit for public safety health reasons and now asking for an emergency permit from GCC as well for 10 days, with a follow up report.

He notes the need to lower the water level in lower wet area, not the entire pond the reason being to keep water down below utility poles. They want to install a beaver deceiver pipe to bring the water level down to alleviate safety concerns. The goal is not to trap out the beavers.

Mr. Feener states that they will need to come back in with a long term management plan/monitoring plan by private landowners.

Mr. Gulla notes that they can issue an emergency certificate with a requirement that a management/monitoring permit be applied for within 30 days. This must be submitted by Oct 1 for Oct 15.

Mr. Febiger asked for additional information regarding the pipe installation level. It was noted that the Agent and The Engineering Dept. must be on site during the installation to inspect level and final.

Approval of Emergency Certificate with noted conditions.

There were no other public comments.

MINUTES REVIEW

The review was tabled to the end of the meeting if time permits.

49 High Street

Mr. Ralph Young 13 Morgan Ave Gloucester present and before the GCC as he would like use of lot, however the majority of the lot is wetland and there is an outstanding fill violation that is not resolved.

Mr. *** noted it as being pretty wet, with depression.

Mr. Young stated that Albanese Bros. dug out and put 500 yards of loam in piles.

He gave a history of the site and how the violation happened. He went through the history of permitting and previously the lot came before GCC, (Mary Jane Movalli, signed off that was not wetland)

He took the lot and when the city was doing work they asked if he would like fill, so Ralph said yes and, Albanese Bros. dropped the fill.

Ms. Ryder read the data in file, noting Rosemary Marcelais issued stop work as soon as fill started based on MJM and an invalid signature hence no authority. Ralph noted that he worked with Ms. Marcelais to come up with a plan to resolve this but she quit and he never followed through.

Mr. Gulla states that they need to file an Nol with the plan if it is still valid and set up a visit with Ms. Ryder. Whatever the plan is, it must address the violation in some

manner. You are the owner of the land and you must resolve this. A well conceived plan can fix the violation and protect the environment.

Mr. Young states that he cannot remove the entire fill and still own/develop the lot.

Mr. Gulla states that he should submit a preliminary review application for formal review for the next meeting or the meeting after that and we can discuss it with you.

A site visit should be set up with any of the Commissioners that can attend.

2 Ocean Highlands,

This is a Request for Determination submitted by Bertha Fineberg to replace a septic system in a bordering vegetated wetland. (Map 190, Lot 25).

Randy Burleigh, before the GCC summarized the project as submitted.

Ms. Ryder states she has no issues. She notes leaching currently into the wetland, improvement, should be done asap.

The Construction plan was submitted.

Mr. Socolow inquired as to where – off Hesperus

Mr. Febiger inquired as to how close to wetland and was told 19 feet.

Mr. Socolow inquired as to the leaching field distance and was told 90 feet.

Mr. Gulla inquired as to the location of siltation with Randy showing along the stone wall questioning re: keep tighter to the line?

Randy states that they need to get equipment to install around and cannot bring it any closer.

Mr. Febiger noted that the silt sock can be tighter into the house below the tank and connection line to the house.

No trees are to be removed.

Any changes must be approved by the Commission as well as those depts. noted on the plan.

Mr. Anderson noted that in buffer you need an NOI or RDA.

Ms. Ryder notes that for title 5 upgrades we typically use the RDA as preexisting.

Mr. Gulla states he will entertain a motion with conditions noted and a dewatering contingency plan.

MOTION: Mr. Frontiero

SECOND: Mr. Febiger

Negative Determination: 3 /2 determination and Positive 2A, 2B 5

VOTE: 7-0 all in favor

30 Rowley Shore Road Map 141, Lot 28 & 57

This is a Request for determination submitted by Sally Heffron to maintain a newly constructed patio, retaining wall and stairways and to add plantings in coastal bank.

Mr. Tom Keough summarized the project before the GCC.

He notes plantings in buffer to coastal bank for additional patio added in exceedence of issued OoC -

The plans and planting plan was reviewed.

Mr. Keough states that it will be very dense plantings, not sparse w/ mulch.

The patio is 40 feet away from coastal bank in lawn.

Mr. Feener inquires as to the new patio increase in impervious over original? He further inquired as to mitigation noting that the mitigation planting plan must be 2 to 1.

Mr. Keough states that they are re-vegetating the previous bed.

Ms. Jackson asked for clarification with Tom noting that 2:1 not being offered.

Ms. Ryder noted the original OoC hearings and stated that the GCC discussed increase in impervious with the applicant and representative and the need for 2:1 impervious.

Calculations were not included.

Ms. Jackson inquired as to the size of the patio with Mr. Keough stating it is 160 sq ft additional.

Mr. Gulla, Mr. Feener and Ms. Jackson all noted the impervious calculations re: covered deck, stairs enclosed and stone dust patio.

Mr. Gulla states that he does not see any reasonable hardship and that they may want to go back to evaluate this. He further notes that the GCC can condition the permit to require 2:1 mitigation.

The GCC asked for calculations and a 2:1 Planting plan.

Mr. Keough states that they have a lawn and could easily use the lawn for a vegetated planting buffer to offset.

Mr. Gulla states that it is closer than Mr. Keough thinks and he should do the math and proposed mitigation of 2:1, then everyone is on the same page and then make a presentation. Mr. Gulla stated that he likes the plantings closer to coastal bank and resources.

Mr. Feener notes that the planting bed was pre-existing and is not to be included in the calculations as it is not counted as new vegetated buffer.

Mr. Anderson stated that he would like to see the new plan, with cover letter and calculations.

Public Comment: none/closed.

Mr. Gulla entertains a motion to condition and close or continue.

There was a Motion to approve with aforementioned conditions, with math calculations and planting plan, to be submitted within a week.

30 Wolf Hill Road Map 88, lot 2

This is a Notice of Intent submitted by Richard Cooper to construct a garage addition in riverfront and buffer to coastal bank.

Mr. Manuell reviewed the project as presented. He reviewed the resource areas and the location of the project, alternatives analysis and 3:1 mitigation plantings. He also reviewed the planting plan.

Mr. Manuell showed photos and there were office photos on the Agent's computer also.

Mr. Socolow asked if the addition required foundation excavation with Mr. Manuell stating yes and it was discussed in the narrative and minimized. Ms. Ryder noted the delineation alternatives analysis, then avoid minimize and mitigate, looks good, no issue.

Mr. Feener thanked Mr. Manuell for saving the tree.

Public Comment: none/closed.

Mr. Gulla entertained a motion to approve.

MOTION: Ms. Jackson moves to approve.

SECOND: Mr. Febiger VOTE: 7-0 all in favor.

Sarah Buck, Community Development Director, to discuss the Open Space Plan

(*****no further notes were listed*****)

56 New Way Lane Map 221, Lot 9

This is a Request for Determination submitted by Bell Atlantic Mobile to construct a gravel access way and to construct a monopole communication tower with an associated equipment compound, near isolated land subject to flooding.

Mike Giamo, is before the GCC and states that this is a repeat of a project that had been before the GCC earlier and expired.

The corrected location of closest flag on revised, ILSF. ****

Ms. Ryder states it is likely a Vernal Pool and not associated with any other resource.

The violation on site via the construction yard, not associated by this project, is likely created by the previous owner as this is more impacting to and closer to the vernal pool than this access drive.

This tower is not in GCC jurisdiction but the access road is.

Mr. Gulla notes the culvert under road with Ms. Ryder noting the low point area of surface flow.

Mr. Febiger notes the low end points of culvert at grade.

Mr. Gulla inquired as to tree clearing with Mike stating yes noting a replanting plan.

Mr. Gulla states that they need to look at the lot as a whole and the entire site is a concern, .Mike states that it is not a certified Vernal Pool.

Ms. Ryder agreed completely and stated that they can table this till next spring to review it correctly.

Mr. Gulla stated that regardless of the previous ownership and permitting you need to look at this lot as a new application as well as look at the entire package, keeping in mind offsetting some earlier damage.

Mr. Gulla stated that Mike and his wetland scientist can also spend time documenting whether or not this is a vernal pool as an alternative.

Mike stated that the issues are segmented. If property owner has violation issues, have issue with them.

Mr. Gulla and Mr. Anderson both noted, looking at this as a whole property, one way we have to get a message to the property owner is through this process.

Public comment: none/closed.

Ms. Jackson inquired as to if this is in fact a vernal pool with Ms. Ryder stating that it depends on the species present as this may or may not trigger NHESP or state review and if not a Vernal Pool, then no buffer.

It was noted that the GCC is looking for a win/win to protect the VP further and allow the project.

Mr. Anderson states that the landowner has the responsibility.

Mr. Gulla stated that this is a precedent setting issue as there are many violations throughout the city and if those landowners want to then grant easements, it is still one property with violations that need to be resolved.

Mike inquired as to the work with Mr. Gulla stating that they need to look at 100 foot buffer with the intent to put back what you took times two.

Mike stated that he can raise this issue with the client and property owner.

Mr. Gulla stated that it is what the GCC would like to hear and maybe you have other creative solutions to fix a wrong to the environment. This may not be by the current owner, but the violation still held by the current owner.

The matter was continued for two weeks to plan mitigation.
Continued to October 1, at 7:30, all in favor.

25 Holly Street, Map 123, lot 48

This is a Notice of Intent submitted by Salvatore Gallo to maintain a newly constructed garage on frost wall foundation and an addition to the dwelling in a bordering vegetated wetland.

Mr. Gallo reviews with the GCC stating this is a 2nd floor addition with garage. He got permission from BI and Zoning to build but did not go to the GCC because he thought it was outside 100 feet. He found out he was in violation of wetlands that he did not know he had.

Ms. Ryder summarized the site and violations as well as summarizing potential alternative areas for garage but with the step system it cannot be used. Outstanding review concerns would include increase in impervious and 2:1 mitigation for 16x35 540sqft of addition. An engineering review for water management on site is needed and they may need to do infiltrators and dry well or something.

Mr. Febiger inquired as to the drive being changed or the same with Mr. Gallo stating it would be less when done, than now.

Mr. Gulla stated that they will have to come up with a planting plan and will need calculations, pre and post including asphalt and roof and that net difference in impervious, times 2 equals amount of mitigation that will need to be done.

If you take out more impervious than add, no mitigation needed, but new drive can not be impervious but stone or something else.

It was noted that the trees to be removed are one big tree and one small tree.

Mr. Gulla states that they will need 4 trees to replace those in the mitigation plan.

PUBLIC COMMENT:

Harry ****, 23 Holly states that there is no problem with anyone in the neighborhood. There has never been live water, a couple times per year, sometimes never, but other dwellings are there and changes occurred. Mr. Gulla inquired as to more water encroaching or it being pretty much the same, also large portions of wetlands do not

have water present. You can have soils and plants and no visible water and it still be a wetland. Standing water does not dictate a wetland.

Mr. Gulla entertains a motion to approve with detailed planting plan, including 4 trees, a meeting within two weeks, native non-invasive plants with trees based on the increase in impervious and two inch caliper trees.

MOTION: Ms. Jackson moves to approve with the above notations included.

SECOND: Mr. Anderson VOTE: 7-0 all in favor.

76 High Popples Road Map 73, lot 23

This is a Notice of Intent submitted by Paul Cunningham, to remove and replace a dwelling, shed, walls and stairs and to conduct associated landscaping in a bordering vegetated wetland.

Mr. Ben Garry, before the GCC and notes calculations pre and post with a net decrease in impervious on site of approx 6 feet from 414 to 408 sq. ft. with all structures total impervious having gone down.

The second issue:

Two large trees in front,(Norway Maples), proposing to take them down and replace them with 2 inch red maple and 6 ft white pine.

Mr. Socolow inquired as to leaving the stump in place, flush with the ground and to grind no more than 3 inches below grade.

Mr. Feener notes that they need to keep the roots for erosion control purposes.

Mr. Gulla and Mr. Febiger did a site visit on Saturday:

There is the issue of the filling of the back yard, to raise grade, surrounding wetland on the left corner slowly filling the areas capacity to hold water, flood zone, at grade line 23 everything to the north of 23 stays as is, then start sloping up to maintain storage capacity with a suggestion of a knee wall being done.

Mr. Gulla notes that it is in buffer to wetland that holds rain storm water at times; all the filling restricts the capacity of this area to hold water.

Ms. Ryder edge of wetland is not actual delineation, is approximate and can not be confirmed. Rob concern with filling potential flood capacity.

Mr. Garry notes concern with losing half of the back yard and inquired with the GCC as to another alternative.

Mr. Gulla stated that in theory an infiltration chamber can be used.

Mr. Garry states that they can provide storage capacity for any flood storage.

Mr. Garry asked for copies of abutter letter and photos from neighboring property.

Mr. Gulla noted 40% of the property adjacent to Links Lane

He noted that copies of photos are to be emailed to Mr. Garry.

Mr. Garry requested a continuation to look at the photos and letter.

PUBLIC COMMENT: none/closed.

The matter was continued to 09/17/08 with all in favor.

(Reviewed flood area known on abutting property at both of last two hearings.)

135 Coles Island Road, This is a Request for Determination submitted by H A Patrican to conduct vista pruning and removal of invasive brush in upland edge of ACEC and buffer to coastal bank (Map 259, Lot 6B)

Mr. Charles Anderson departed the meeting at this time.

John Judd, Doug LaChance and Sandy Patrican reviewed the planting and vista pruning proposal.

John Judd reviewed the resource delineation.

Mr. Patrican would like to clear invasive species within the buffer to upland edge.

The area on northerly side of the property is not to be maintained. The cutting area is on the southern side of the lot.

Zone A and Zone B: see plan and narrative for details.

Doug LaChance reviewed the invasive species on site and the cataloging of trees on site. He reviewed pruning and cutting proposal for each of the two zones.

Ms. Ryder inquired as the accuracy of the delineation.

She further noted that ACEC is 10 feet and questioned that the MHW appears to be based on NGVD? Clarification is needed from John Judd.

Mr. Feener noted the granite post markers being placed for limits of upland edge also. He noted the submission of the narrative, with one copy for the file. He inquired as to this being done electronically and not being forwarded to the GCC.

Mr. Gulla asked for a synopsis from John Feener re: tree cutting and pruning standards noted ANSI in the packet for all tree types.

In zone B, take pictures of the deadwood, since so many deadwoods exist, and 10% of live canopy in addition, will look like more than it is.

The line between the two zones is because there is a stone wall that will act as a natural barrier.

Mr. Feener also discussed the 15% rejuvenation. The road going down toward pier is the actual edge of zone B.

Mr. Gulla inquired as to what the GCC should focus on in their review and asked if Mr. Feener was comfortable with the proposal.

Mr. Feener stated yes, that he was comfortable and would like the GCC to be familiar with the standards and process. All pruning has specifications for height and size of branches.

Mr. Febiger inquired as to how to reduce cat briar and honeysuckle.

Mr. LaChance stated with hand trimming and a chain saw and we need to plant 2 stems for everyone cut to make sure that the invasives do not take over.

Mr. Socolow inquired as to the vista pruning of trees being to the ground?

Mr. LaChance noted yes re: the deadwood with smaller trees, based on species and spatial arrangement, then vista is to 25 feet then only deadwood and small vegetative pruning in canopy to reduce air resistance.

The pruner looks for beetles and deadwood in pruning. Anything less than 6 inches in diameter will be selectively removed at approximately 30%.

Mr. Socolow inquired as to how many trees will be more than 6 inches in diameter on site with Mr. LaChance noting approx 50 trees that will not be cut unless they are dead. There were no further questions or discussion at this time.

The matter was continued to 09/17/08 at 7:30 PM.

All in favor. It was noted that pictures are to be taken right after the work is done.

Meeting –

A meeting with Suzanne Egan, City Solicitor –
Continued to September 17 7:15 PM

ENFORCEMENT HEARING**46 LEVERETT STREET** Map 162, Lot 13

The Commission requests the attendance of Christine Peterson, to discuss violations that have occurred on site in resource area in violation of an issued Order of Conditions and the State Wetlands Protection Act. The hearing will include discussion and possibly a vote regarding restoration, remediation and any other action the Commission may require of the property owner, including issuance of administrative penalties.
CONTINUATION TO September 17, 2008; FOR SCHEDULING PURPOSES.
The matter was continued to 09/17/08 8:00 PM - all in favor.

COMMISSION BUSINESS**Requests for Letter Permits**

20 Twilight Ave – information not accessible at this time.

19 Shore Hill Road

Re: the roofing, all in favor for standard roofing conditions including magnetic sweep, dumpster in place and stockpiling on the drive. All in favor.

15 Cononicus Road

The Agent questioned why the trees died?
Construction process oaks don't fail unless they get damaged.
She questioned the possibility of water on the root system and boulders and fill on the roots. Replace 2:1 but where?
We need to find out why trees died before this is OK'd.
John Feener needs to be notified of details and possibly a site visit.

28 Beachcroft Road -

The Agent states it is OK to remove the shed as noted. They need to stabilize soils with mulch. A dump truck may not enter 100 foot buffer.
It was agreed that it is OK to remove.

Requests for Certificates of Compliance

Massachusetts Ave, Castle View Homeowners.

For continuation of discussion

Mr. Gulla reviewed the CoC request and information included. What we are still looking for is for a wetland scientist to look at the system during storm season and look to see if they work. In general terms, does this system work? It is easy to submit math calculations during the dry season. The numbers and photos are great, on a bright

sunny day, but do not show the wetland and the movement of water and the dynamics of the wetland resource areas and the dynamics of the system.

Kim McGovern submitted post hydrology prior to the project being conducted. There can be no change to the wetland system due to the project construction. We have complied with that condition.

Mr. Gulla states that you can not evaluate the post construction hydrology prior to the project being conducted.

Mr. Gulla stated to the members of the GCC that the applicant feels that they have done the work and complied with the conditions. There is a condition in the OoC that a post construction evaluation of the hydrology to evaluate that these systems work effectively. A suitable professional must conduct the review.

They do not feel that way and feel that the conditions have been met.

Ms. Ryder states that they cannot evaluate post construction prior to work.

Ms. Ryder stated that a letter was sent when the request went out noting that CoC's were not done in winter, then Leslie went out in spring.

Mr. Gulla states that he would like to have a wetland scientist look at the site when the hydrology is in place as in a good storm event.

Kim McGovern inquired as to the WPI.

The hydrology has to be same as pre construction.

Mr. Bob Wayne: broken system, drainage had to maintain the wetland dynamics on either side. Project can not drain a wetland.

Ms. McGovern notes that this is based on a 25 year storm event, better than a storm.

Ms. McGovern states that they did evaluate and feels that the GCC cannot require that we now show it is working properly.

Ms. Ryder states that she will get specific wording from the OoC to the GCC.

*****Greg Dawe,

*****Ms. Ryder spoke.....need to refer to audio and insert comments.

It was noted that they need to discuss the parameters re: storm

Ms. Jackson and Mr. Gulla agree with Ms. Ryder.

Mr. Febiger states that they would need to know the seasonal high water levels,

Mr. Socolow and the members of the GCC discussed the parameters for review. Mr. Socolow noted that haven't we not had heavy rains and noted something about his son with measuring stream flow volumes.

Mr. Gulla stated that we have probably had many storms that they could have gone out and we are now discussing the parameters.

Mr. Febiger states that if you are going to test hydrology then you probably want to test in November, coastal wetlands may not matter, inland wetland should be done at high groundwater levels.

Ms. Ryder stated that since NOAA and CZM representatives had concerns re: the wetland alteration, perhaps they should give guidance re: the requirements for proof of no alteration of it.

Ms. Ryder noted an email request to Eric Hutchins and Tim Smith with a cc to Mr. Gulla on request email.

Mr. Gulla states that we hopefully will send parameters prior to the next project. Have no control over other people emailing back, and if not then come to the next meeting and public comment and ask where we are.

Mr. Gulla states that this is complex and difficult to evaluate.
Ms. Ryder notes that a report does not automatically mean a CoC and if the report shows changes there may be a denial.
Ms. McGovern wanted signoff on this and Ms. Ryder wants to rescind the OoC to the GCC for review of all the conditions and questions.
It was noted that Ms. Ryder and/or staff will mail information.
Mr. Gulla agreed to disagree with the applicants.
It was noted that this matter is to be continued to the Certificate of Compliance listings at the end of the 09/17/08 agenda.
Ms. McGovern read the law with Ms. Ryder responding stating a written letter was sent within 21 days stating reason why.
The CoC would not be reviewed in winter. Leslie from the office of Community Development went out in April and did not feel the site was verifiable and the GCC is to issue the CoC **IF** the project is determined to be complete, not automatically.
Mr. Gulla read from the MACC guidance noting that the GCC should never approve a CoC if they do not feel it is complete.

10 Riverside Road - Approved for Compliance unanimous vote 6-0

31 Dennison Street – continued to 9/17/08

179 Hesperus Avenue –continued to 9/17/08

Requests for Extension Permits

RFD - **Mass Highway for Rte 128**

Extension Permit - done, signed and new file and number.

(***** need to know if these issues were discussed or time constraints did not allow: if not discussed I will delete from draft.)

92 Coles Island Road,

vegetation cutting and clearing on and near coastal bank.

516R Essex Avenue

66 Witham Street

Respectfully submitted,

Carol A. Gray
Recording Clerk